FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 1777/2007
(Uday Shankarrao Alsi VERSUS The Controller of Examinations Rashtra Sant Tukdoji Maharaj Nagpur University)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Parchure, counsel for the petitioner.
Mr. Kulkarni, counsel for the respondent.

CORAM : D.D.SINHA AND
SMT. VASANTI A. NAIK, JJ.
DATE : DECEMBER 11, 2007.

Heard Mr. Parchure, the learned counsel for the petitioner and Mr. Kulkarni, the learned counsel for the respondent.

The counsel for the petitioner has submitted that the petitioner is a student of Master of Business Administration and appeared for the First Year M.B.A. Examination held in the academic session of 1995-96 and the result of the said examination was declared by the University on 04.06.2001 and the petitioner was declared successful in all the subjects. It is further contended that the petitioner appeared in three subjects of Semester Pattern Course which was

introduced by R.T.M. Nagpur University vide notification dated 25.10.2005. However, the result of the said subjects has not been declared, and therefore, the petitioner has filed the present writ petition seeking direction in this regard.

Mr. Kulkarni, the learned counsel for the Rashtrasant Tukdoji Maharaj Nagpur University, states that the notification which the petitioner is relying upon is not the relevant notification. For the purpose of controversy in issue, the relevant notification is dated 24.07.2007 which is Annexure R-1 to the reply filed by the University. Mr. Kulkarni further states that the said notification further contemplates that prior to the revised Semester pattern syllabus, the M.B.A. Course was yearly pattern course consisting of Part-I and Part-II examinations. The students who were admitted in yearly pattern course from 1994-95 to 2000-01 and who had failed in yearly pattern course (M.B.A. Part-II) were given three chances up to Winter 2002 to clear the said examination. However, some of the students till date have failed to clear MBA Part-II

examination and they needed to be absorbed in Semester Pattern course. Accordingly the equivalence of the subjects is finalized by the competent authorities of the University which are mentioned in the said notification.

Clause (2) of the said notification further contemplates that in addition to passing in 4 additional subjects of third Semester course as per Clause (1) of the Notification and four papers of two optional subjects, every candidate will have to undertake project work as prescribed in Syllabus of fourth Semester course for 200 marks in one of the four optional subjects mentioned in Clause(2) of the notification dated 24.07.2007. Mr. Kulkarni has submitted that the petitioner has not appeared in any of these additional subjects, and therefore, the result of the petitioner cannot be declared.

We have considered the rival contentions canvassed by the respective counsel and perused the both the notifications dated 25.10.2005 and 24.07.2007. Close scrutiny of both these notifications

make it implicitly clear that the relevant notification regarding issue in question is dated 24.07.2007 and as per Clause (2), the petitioner is required to undertake project work as well as he is required to appear in the additional subjects, which the petitioner has not done.

In the circumstances, no case is made for showing indulgence in the present writ petition. Consequently, the writ petition is dismissed.

JUDGE JUDGE

APTE